

Currently there are seven laws that are applied to the elections. The CRTA recommends **passing of a unified electoral law** that would include provisions on the conduct of voting at all levels and regulate the work of all electoral bodies. This would contribute to the legal security and decrease the incidence of contradictory interpretations of various legal provisions.

The existing laws contain a number of provisions stipulating deadlines in the electoral process that should be amended. **It is indispensable to harmonise deadlines for the conduct of the elections** for the President of the Republic with deadlines foreseen for the elections of the members of parliament, and set them to a 45 to 60-day period. In order to respect the protection of electoral rights of all voters, it is necessary to introduce **a general five-day deadline from the completion of voting at the last polling station where electoral commissions are obligated to announce the final election results**. In this way, recurrent situations, when local electoral commissions announce the final results before considering the received objections, would be avoided. In the period ranging from the end of the Election Day and the expiration of deadline, the electoral commissions would have an obligation to announce preliminary results of the elections. The **deadline for making decisions and submitting objections** should also be extended by the amendments to the Law on the Election of Members of Parliament, so that the complainant be given 48 hours from the time when the decision, action or omission considered to be irregular were made. Besides, it is necessary to **harmonise deadlines foreseen for decision-making by competent authorities** by extending them to two to five days. By amending of the Law on Local Elections, the deadline for filing objections to the Administrative Court would be extended to 48 hours, as foreseen in the case of the republic elections. Finally, the Constitutional Court should be obliged by the law to make decisions following the **initiatives for assessment of constitutionality or legality** related to the election matter within five days from the date of their filing.

The amendments to the Law on the Election of Members of Parliament and the Law on Local Elections should introduce **mandatory repetition of elections at polling stations** when the REC or the Administrative Court determine that the results from the Minutes on the Work of the Polling Station Committees do not match the factual state of the election material. The electoral commission would be given authority to make the decision about the repetition of elections. **Observers should be authorised to enter objections in the Minutes on the Work of the Polling Station Committee**. Pursuant to the Law on Election of Members of Parliament only members of the polling committees have the right to do so. The current practice indicates that the Minutes have the main probative force in the procedure for the protection

of electoral rights, and it is therefore vital to give observers the right to use this instrument. **Subsequent modifications of the Minutes on the Work of the Polling Station Committees** by the members of the polling committees should not be allowed after their public announcement. Additionally, by changing the practice of polling station committees and the Administrative Court when acting upon objections and complaints, the **range of evidence** should be extended from assessing minutes to acquiring statements given by members of the polling committees, accredited observers and, if necessary, of other institutions' official representatives. **Criminal offenses against the electoral rights should be included in the provisions of the Criminal Procedure Code** relating to the application of special measures of proving, in order to enable the competent authorities to work more efficiently and effectively.

Different types of pressures coerced on voters by participants to the elections represent an ever growing problem in the electoral process. By an amendment to the Law on Public Companies and to the Law on Local Self-Government, it is necessary to introduce **prohibition of pressure on employees in public administration and public companies**, and to oblige public administration and public companies to additionally prescribe sanctions in case of pressure coerced on employees in their internal acts. It is necessary to ensure an adequate **personal data protection in order to prevent electoral pressures** that reflect in an undesired communication with political entities. It is necessary that obligees of the Law on Personal Data Protection cease to transfer citizens' data base and that political entities stop using this data base. **Keeping of parallel records at the polling stations** must be directly forbidden, by a supplement to the Law on the Election of Members of Parliament. Sanctions for such behaviour, that is becoming more and more frequent, must be stipulated.

Certain categories of citizens do not have equal rights to participate in the elections. **Organising and conducting of the elections in Kosovo and Metohija** must be harmonised with the decision of the Constitutional Court stating that it is illegal to count votes outside the polling stations. So that citizens could realise their rights abroad, **all polling stations in the Embassies and consular representations must be open for voting** regardless of the number of voters who submitted a request. In order to **protect the rights of the blind and visually impaired persons**, the Instructions for the Conduct of the Voting and the Rulebook on the Work of Polling Stations Committees should be supplemented with standards that would allow them to vote appropriately and secretly. **The status of national minorities parties in the election cycle should be more clearly defined** by amending the Law on Political Parties in order to avoid abuse.

In addition to the proposal for adoption of the Unified Electoral Law, which would include the amendment of the overall legislative framework, which now includes seven key laws, the proposed recommendations include amendments or supplements to the following: the Law on the Election of Members of Parliament, the Law on Local Elections, the Law on the Election of the President, the Criminal Procedure Code, the Law on the Constitutional Court, the Law on Public Companies, the Law on Local Self-Government, the Law on Political Parties, as well as the Instructions for the Conduct of the Voting and the Rulebook on the Work of Polling Stations Committees.

In order to implement these recommendations, it is necessary to actively include: the National Assembly of the Republic of

Serbia, the Ministry of Justice, the Ministry of Public Administration and Local Self-Government, the Ministry of Foreign Affairs, the Republic Electoral Commission, the Constitutional Court and the Administrative Court.

None of the recommendation from this area has not yet been applied, nor appeared in the draft laws that are underway.

By adopting of these recommendations, the existing electoral rules would be harmonised, which would, together with the extension of deadlines foreseen for the protection of electoral rights, legal prohibition of pressures on voters and enabling of certain categories to exercise their rights, contribute to the improvement of conditions under which political stakeholders and citizens participate in the elections.

THE CRTA RECOMMENDATIONS FOR THE IMPROVEMENT OF ELECTORAL CONDITIONS:

Prevention of the abuse of public resources

Equality of all participants and equal media representation

Transparency of the process and confidence of the voters

Legal security and protection on the electoral right

Capacity and efficiency of the electoral administration